

Message Text

CONFIDENTIAL

PAGE 01 STATE 239626

53

ORIGIN L-03

INFO OCT-01 EUR-12 NEA-10 ISO-00 EB-07 SS-15 IO-10 PA-01

PRS-01 ERDE-00 OIC-02 ERDA-05 AID-05 CEA-01 CIAE-00

CIEP-01 COME-00 DODE-00 FEAE-00 FPC-01 H-02 INR-07

INT-05 NSAE-00 NSC-05 OMB-01 PM-04 SAM-01 OES-03

SP-02 STR-04 TRSE-00 INRE-00 SSO-00 NSCE-00 USIE-00

AF-06 ARA-06 EA-07 /128 R

DRAFTED BY L:SMSCHWEBEL:MRG

APPROVED BY EB/ORF/FSE:LAWRENCE J. RAICHT

L/UNA:MMATHESON

IO:VHARTLEY

E:RASORENSEN

----- 033095

O P 081322Z OCT 75

FM SECSTATE WASHDC

TO AMEMBASSY NEW DELHI IMMEDIATE

INFO USMISSION OECD PARIS PRIORITY

C O N F I D E N T I A L STATE 239626

E.O. 11652: GDS

TAGS: ENRG, IN

SUBJECT: PREPARATIONS FOR PREPCON II

REF: NEW DELHI 13347

1. GOI HAS ASKED WHETHER THERE IS INTERNATIONAL PRECEDENT THAT LIMITS RIGHT OF STATES NOT MEMBERS OF AN ORGAN TO ATTEND AS OBSERVERS OR WHICH LIMITS THE RIGHT OF ANY OBSERVERS TO SPEAK.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 239626

2. THERE IS AMPLE PRECEDENT. INDEED, THE UN SYSTEM AS

A WHOLE EMBODIES AND IMPLEMENTS THE APPROACH THAT AN ORGAN OF LIMITED MEMBERSHIP IS JUST THAT. MEMBERS OF THE UN NOT MEMBERS OF THE ORGAN ARE NOT ENTITLED TO ATTEND AS OF RIGHT NOR, IT FOLLOWS, TO SPEAK. WHEN THEY ARE INVITED, THERE ARE PARTICULAR PROVISIONS GOVERNING THEIR LIMITED PARTICIPATION.

3. THUS THE UN SECURITY COUNCIL IS A FIFTEEN MEMBER BODY. NO OTHER UN MEMBER HAS AN AUTOMATIC RIGHT TO ATTEND AS AN OBSERVER OR TO TAKE PART IN ITS DELIBERATIONS. RULE 14 OF THE COUNCIL'S RULES PROVIDES THAT: "ANY MEMBER OF THE UNITED NATIONS NOT A MEMBER OF THE

SECURITY COUNCIL AND ANY STATE NOT A MEMBER OF THE UNITED NATIONS, IF INVITED TO PARTICIPATE IN A MEETING OR MEETINGS OF THE SECURITY COUNCIL, SHALL SUBMIT CREDENTIALS ..." ETC. BUT SUCH STATES ARE NOT ISSUED STANDING INVITATIONS; THEY ARE INVITED TO TAKE PART IN DISCUSSION ONLY OF PARTICULAR ITEMS OF SINGULAR INTEREST TO THEM. THUS RULE 37 FURTHER PROVIDES: "ANY MEMBER OF THE UNITED NATIONS WHICH IS NOT A MEMBER OF THE SECURITY COUNCIL MAY BE INVITED, AS A RESULT OF A DECISION OF THE SECURITY COUNCIL, TO PARTICIPATE, WITHOUT VOTE, IN THE DISCUSSION OF ANY QUESTION BROUGHT BEFORE THE SECURITY COUNCIL WHEN THE SECURITY COUNCIL CONSIDERS THAT THE INTERESTS OF THAT MEMBER ARE SPECIALLY AFFECTED...."

4. A SIMILAR APPROACH GOVERNS THE WORK OF THE GENERAL ASSEMBLY AND LIMITED MEMBERSHIP ORGANS SET UP BY IT. SINCE THE ASSEMBLY COMPRISES ALL MEMBERS OF THE UN, ALL MEMBERS ARE ENTITLED TO PARTICIPATE IN IT, BUT NOT IN SUBSIDIARY ORGANS OF LESS THAN THE FULL MEMBERSHIP. E.G., THE GENERAL COMMITTEE IS A LIMITED MEMBERSHIP BODY. RULE 38 OF THE UNGA'S RULES OF PROCEDURE PROVIDES THAT "CHAIRMEN OF OTHER COMMITTEES UPON WHICH ALL MEMBERS HAVE THE RIGHT TO BE REPRESENTED...SHALL BE ENTITLED TO ATTEND MEETINGS OF THE GENERAL COMMITTEE AND MAY PARTICIPATE WITHOUT VOTE IN THE DISCUSSIONS." BUT OTHER UN MEMBERS ARE NOT

CONFIDENTIAL

PAGE 03 STATE 239626

ENTITLED TO ATTEND THE GENERAL COMMITTEE AS OBSERVERS; RATHER, ONLY A MEMBER WHICH HAS REQUESTED THE INCLUSION OF AN ITEM ON THE UNGA AGENDA SHALL BE ENTITLED TO ATTEND ANY MEETING OF THE GENERAL COMMITTEE AT WHICH ITS REQUEST IS DISCUSSED.

5. LIKEWISE, RULE 75 OF THE ECOSOC RULES OF PROCEDURE PROVIDES THAT THE COUNCIL SHALL INVITE UN MEMBERS

WHICH ARE NOT COUNCIL MEMBERS TO PARTICIPATE WITHOUT VOTE IN ITS DELIBERATIONS "ON ANY MATTER WHICH THE COUNCIL CONSIDERS IS OF PARTICULAR CONCERN TO THAT MEMBER"; RULE 76 PROVIDES THAT ECOSOC COMMITTEES "MAY INVITE" UN MEMBERS WHICH ARE NOT COMMITTEE MEMBERS TO SO PARTICIPATE. IN NEITHER CASE IS THERE AN ABSOLUTE GENERAL RIGHT OF PARTICIPATION.

6. THIS PATTERN IS FOLLOWED THROUGHOUT THE UN SYSTEM. IN THE CASE OF UNCTAD, RULE 76 OF THE RULES OF PROCEDURE OF THE TRADE AND DEVELOPMENT BOARD PROVIDES THAT ANY CONFERENCE MEMBER WHICH IS NOT A BOARD MEMBER SHALL BE ENTITLED TO PARTICIPATE WITHOUT VOTE IN BOARD DELIBERATIONS "ON ANY ITEM... OF PARTICULAR CONCERN TO THAT

MEMBER", WHILE RULE 77 PROVIDES ONLY THAT A SUBSIDIARY ORGAN OF THE BOARD "MAY INVITE" SUCH A STATE TO PARTICIPATE ON SUCH ISSUES. UNCTAD BODIES TEND TO APPLY THESE RULES LOOSELY TO ALLOW ATTENDANCE BY NON-MEMBERS OF AN ORGAN AT THEIR DISCRETION. BUT THE PATTERN IN THE UN AND OTHER INTERNATIONAL ORGANS IS THAT BODIES OF LIMITED MEMBERSHIP MAY NOT BE FREELY ATTENDED BY NON-MEMBERS. KISSINGER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ENERGY, MEETING DELEGATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 08 OCT 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE239626
Document Source: CORE
Document Unique ID: 00
Drafter: SMSCHWEBEL:MRG
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750349-0503
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19751074/aaaacnpu.tel
Line Count: 138
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 NEW DELHI 13347
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 28 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <28 MAY 2003 by ifshinsr>; APPROVED <07 OCT 2003 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PREPARATIONS FOR PREPCON II
TAGS: ENRG, IN
To: NEW DELHI
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006